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February 25, 2008

DATE FILED:

BY HAND

The Honorable Richard J. Sullivan United States District Judge Daniel Patrick Moynihan United States Courthouse 500 Pearl Street New York, New York 10007-1312

Re: Consolidated RNC Cases

Dear Judge Sullivan:

Pursuant to Your Honor's scheduling order, today defendants filed and served via ECF their appeal brief pursuant to Rule 72 relating to the January 23, 2008 order of Magistrate Judge James C. Francis IV ("Order"). The Order granted in part and denied in part the motions of plaintiffs in 37 separate cases to amend their complaints to add numerous new claims and numerous new defendants. For the Court's convenience, defendants have joined all of their appeal points within a single Consolidated Memorandum of Law ("Brief").

We enclose a courtesy copy of the Brief, along with the Declaration of Raju Sundaran and all Exhibits, for Your Honor's convenience. We have submitted the Declaration and Exhibits in paper form and in electronic form (on disk). Defendants have attached as Exhibit "F" each of complaints at issue in this appeal, which accounts for the bulk of the Exhibits.

The Brief's length is currently 34 pages, which exceeds the length permitted in Your Honor's individual practice rules by 9 pages. Defendants respectfully request that the Court permit the Brief in its current form. This appeal consolidates the arguments relating to some 37 separate cases. In addition, many of the issues discussed in the Brief, including the issues relating to the Deputy Commissioner for Intelligence David Cohen, are substantive issues that are of vital importance to defendants.

In addition, due to the bulk of the Exhibits, defendants request permission not to file the Sundaran Declaration and the Exhibits via ECF. Defendants have served these materials on opposing counsel in electronic form (on disks).

If this meets with Your Honor's approval, would you please "so order" it?

Respectfully submitted,

cc: RNC Distribution List (by email)

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Appendix of Cases On Appeal Of January 23, 2008 Order

- 1. MacNamara, et al. v. City of New York, et al., 04 CV 9216 (RJS)(JCF).
- 2. Rechtschaffer v. City of New York, et al., 05 CV 9930 (RJS)(JCF).
- 3. Portera v. City of New York, et al., 05 CV 9985 (RJS)(JCF).
- 4. Bunim, et al. v. City of New York, et al., 05 CV 1562 (RJS)(JCF).
- 5. Kalra, et al. v. City of New York, et al., 05 CV 1563 (RJS)(JCF).
- 6. Ryan, et al. v. City of New York, et al., 05 CV 1564 (RJS)(JCF).
- 7. Garbini, et al. v. City of New York, et al., 05 CV 1565 (RJS)(JCF).
- 8. Greenwald, et al. v. City of New York, et al., 05 CV 1566 (RJS)(JCF).
- 9. Pickett, et al. v. City of New York, et al., 05 CV 1567 (RJS)(JCF).
- 10. Tremayne, et al. v. City of New York, et al., 05 CV 1568 (RJS)(JCF).
- 11. Biddle, et al. v. City of New York, et al., 05 CV 1570 (RJS)(JCF).
- 12. Moran, et al. v. City of New York, et al., 05 CV 1571 (RJS)(JCF).
- 13. Botbol, et al. v. City of New York, et al., 05 CV 1572 (RJS)(JCF).
- 14. Crotty, et al. v. City of New York, et al., 05 CV 7577 (RJS)(JCF).
- 15. Stark, et al. v. City of New York, et al., 05 CV 7579 (RJS)(JCF).
- 16. Lalier, et al. v. City of New York, et al., 05 CV 7580 (RJS)(JCF).
- 17. Grosso v. City of New York, et al., 05 CV 5080 (RJS)(JCF).
- 18. <u>Dudek v. City of New York, et al.</u>, 04 CV 10178 (RJS)(JCF).
- 19. Bell v. City of New York, et al., 05 CV 3705 (RJS)(JCF).
- 20. Starin v. City of New York, et al., 05 CV 5152 (RJS)(JCF).
- 21. Lee v. City of New York, et al., 05 CV 5528 (RJS)(JCF).
- 22. Cohen v. City of New York, et al., 05 CV 6780 (RJS)(JCF).

- 23. Phillips, et al. v. City of New York, et al., 05 CV 7624 (RJS)(JCF).
- 24. Coburn, et al. v. City of New York, et al., 05 CV 7623 (RJS)(JCF).
- 25. Drescher v. City of New York, et al., 05 CV 7541 (RJS)(JCF).
- 26. Bastidas, et al. v. City of New York, et al., 05 CV 7670 (RJS)(JCF).
- 27. Xu, et al. v. City of New York, et al., 05 CV 7672 (RJS)(JCF).
- 28. Sloan, et al. v. City of New York, et al., 05 CV 7668 (RJS)(JCF).
- 29. Galitzer v. City of New York, et al., 05 CV 7669 (RJS)(JCF).
- 30. Sikelianos v. City of New York, et al., 05 CV 7673 (RJS)(JCF).
- 31. Abdell, et al. v. City of New York, et al., 05 CV 8453 (RJS)(JCF).
- 32. Adams, et al. v. City of New York, et al., 05 CV 9484 (RJS)(JCF).
- 33. Araneda, et al. v. City of New York, et al., 05 CV 9738 (RJS)(JCF).
- 34. Eastwood, et al. v. City of New York, et al., 05 CV 9483 (RJS)(JCF).
- 35. Tikkun v. City of New York, et al., 05 CV 9901 (RJS)(JCF).